U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

## TRANSMITTAL FORM (37 C.F.R. § 1.114)

DOCKET NO. <b>1662/604078</b>	APPLICATION SERIAL NO. <b>10/635,337</b>	EXAMINER <b>Paul V. Ward</b>	ART UNIT <b>1624</b>
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INVENTOR: NIDDAM-HILDESHEIM, et al.

Address to:  
**Mail Stop: RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: December 27, 2007

Signature:

SIR:

This is a **Request for Continued Examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 10/635,337, filed on August 6, 2003, entitled **NOVEL CRYSTALLINE FORMS OF GATIFLOXACIN**

The following constitute the submission required by 37 C.F.R. § 1.114(a) and is attached:

- Amendment  
 Information Disclosure Statement and Form PTO-1449  
 Drawing Changes  
 Other Submission

1. The filing fee for this RCE and the required amendment is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$) PER CLAIM	FEE (\$)
BASIC FEE						810.00
TOTAL CLAIMS	36	20	37	0	50.00	0.00
INDEPENDENT CLAIMS	12	3	13	0	210.00	0.00
MULTIPLE DEPENDENT CLAIM					370.00	0.00
				*Number extra must be zero or larger	<b>TOTAL</b>	810.00
	If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL	

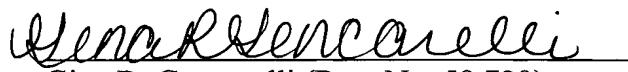
01/02/2008 SDENB0B3 00000025 110600 10635337

01 FC:1255 2230.00 DA  
02 FC:1801 810.00 DA

2. It is believed that no additional filing fees are due in connection with this RCE. The Commissioner is authorized to charge payment of **\$810.00**, the basic filing fee for this RCE, to Deposit Account No. **11-0600**.
3. Applicants respectfully request a **five-month** extension of time in which to respond to the Notice of Appeal filed June 14, 2007, for which a response period expiring on August 18, 2007, was set. With a five-month extension of time, the response period now expires on January 18, 2008. The Commissioner is hereby authorized to charge payment of the 37 C.F.R. §1.136(a) extension fee of **\$2,230.00** to the deposit account of **Kenyon & Kenyon LLP** deposit account number **11-0600**.
4. The Commissioner is hereby authorized to charge payment of the fees, including any additional fees required, associated with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of **Kenyon & Kenyon LLP**, deposit account number **11-0600**.
5. A duplicate copy of this transmittal form is enclosed.

Dated: December 27, 2007

By: Respectfully submitted,

  
Gina R. Gencarelli (Reg. No. 59,729)

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